

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICK C. LYNCH in his Official
Capacity as the Attorney General of the
STATE OF RHODE ISLAND,
DONALD L. CARCIERI,
in his official capacity as the
Governor of the State of Rhode Island

vs.

MATTHEW A. BROWN in his
Official Capacity as the
Secretary of State for the
STATE OF RHODE ISLAND

C.A. No. 04 4387

COMPLAINT

**FIRST CAUSE OF ACTION
(Declaratory Judgment)**

1. Plaintiff Patrick C. Lynch is the Attorney General of the State of Rhode Island and brings this action in that capacity. Plaintiff Donald L. Carcieri is the Governor of the State of Rhode Island and brings this action in that capacity.
2. Defendant Matthew A. Brown is the Secretary of State of the State of Rhode Island and is sued in that capacity.
3. This Court has jurisdiction pursuant to R.I. Gen. Laws §§8-2-13, 9-30-1 and Rules 57 and 65 of the Rules of Civil Procedure.
4. On August 12, 2004, three Justices of the Rhode Island Supreme Court issued an advisory opinion declaring that certain legislation requiring a ballot question related to the creation of a casino in Rhode Island violates the Rhode Island Constitution. More specifically, the Justices opined that H-7844, Substitute A, as amended, and S-23[3]8, Substitute A as amended requiring a ballot question seeking to establish "a casino in the Town of West Warwick operated by an Affiliate of Harrah's Entertainment in association with the Narragansett Indian Tribe" proposes the establishment of a privately-operated casino that violates Article 6, Section 15 of the Rhode Island Constitution. A copy of said opinion is attached hereto as Exhibit A and incorporated herein.
5. Matthew A. Brown, in his capacity as the Secretary of State for the State of Rhode Island has indicated that he will place this unconstitutional proposal on the Rhode Island ballot in November 2004, absent a Court order to the contrary.

6. The Secretary of State asserts that the last day to remove a question from the ballot is August 19, 2004. A copy of the Secretary of State's letter to take effect is attached as Exhibit B.

7. Plaintiffs now seek a declaration from this Honorable Court holding that said legislation and referendum propose the establishment of a privately-operated casino that violates Article 6, Section 15 of the Rhode Island Constitution.

WHEREFORE, Plaintiffs requests that this Court declare that said legislation and referendum proposing the establishment of a privately-operated casino violates Article 6, Section 15 of the Rhode Island Constitution.

SECOND CAUSE OF ACTION
(Injunctive Relief)

1. Plaintiffs incorporate paragraphs 1-7 of the First Cause of Action.
2. Placing this referendum on the State ballot will cause irreparable harm in that it will require a vote on an unconstitutional act. Plaintiffs have no plain, adequate or speedy remedy at law to prevent this action.

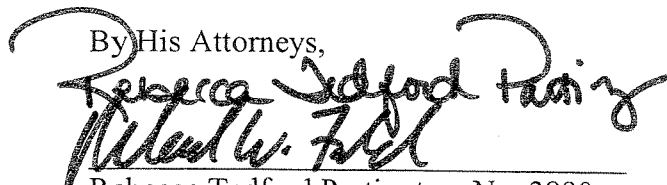
WHEREFORE, Plaintiffs request that this Court issue an Order:

1. Enjoining the Secretary of State from placing this unconstitutional referendum on any ballot within the State of Rhode Island; and
2. Such other and further relief as this Court deems just.

Respectfully submitted,

PATRICK C. LYNCH
ATTORNEY GENERAL

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